

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Peter Michael Gits, et al.
Confirmation No.: 9267
Serial No. 09/882,221 Examiner: Thomas Duong
Filed: June 15, 2001 Group Art Unit: 2145
For: NET LURKERS
Date: October 2, 2006

Commissioner of Patents
ATTN: Deposit Account Branch
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND


Applicant filed an Appeal Brief on August 21, 2006, in response to a Notice of Panel Decision from Pre-Appeal Brief Review dated July 19, 2006. The due date for filing the Appeal Brief was August 19, 2006. As this date fell on a Saturday, the Appeal Brief was filed on Monday, August 21, 2006. Applicant's Deposit Account was charged \$120 for a first extension of time fee.

A copy of the Deposit Account Statement dated 8-31-06 is attached as Exhibit A, showing a charge of \$120 on August 30, 2006, to Deposit Account 13-1703. A copy of the Notice of Panel Decision is attached as Exhibit B. A copy of the Electronic Acknowledgement Receipt is attached as Exhibit C.

Applicant requests a refund of \$120 be credited to Deposit Account No. 13-1703.

Customer No. 20575

Respectfully submitted,
MARGER JOHNSON & McCOLLOM, P.C.



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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion
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FINA

Account No.	131703
Date	8-31-06
Page	2

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
8	17	06	64	11354469	HSL 9903-131	8021	40.00	5700.00
8	18	06	3	10759469	GGC 7293-106	1814	130.00	5570.00
8	22	06	1	10949176	REP 5087-157	1201	200.00	5370.00
8	24	06	2	09898699	LMA 9898-176	1801	790.00	4580.00
8	25	06	20	10449953	JLR 2705-267	1201	-800.00	5380.00
8	25	06	30	11223158	ATM 4666-025	8007	60.00	5320.00
8	29	06	10	E-REPLENISHMENT		9203	-5000.00	10320.00
8	30	06	2	09882221	JLR 2705-187	1251	120.00	10200.00
Exhibit A								
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					6725.00	2840.00	6315.00	10200.00



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,221	06/15/2001	Peter Michael Gits	2705-187	9267
20575 7590 07/19/2006				
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204				
			EXAMINER DUONG, THOMAS	
			ART UNIT 2145	PAPER NUMBER

DATE MAILED: 07/19/2006



SP

Please find below and/or attached an Office communication concerning this application or proceeding.

Exhibit B (page 1)

Application Number



Application/Control No.

09/882,221

Applicant(s)/Patent under
ReexaminationGITS ET AL.
Art Unit

Jason D. Cardone

2145

Document Code - AP.PRE.DEC

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 5/15/06.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
☐ The request does not include reasons why a review is appropriate.
☐ A proposed amendment is included with the Pre-Appeal Brief request.
☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendable under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 11-14, 16, 18, 19, 27-31 and 38-45.

Claim(s) withdrawn from consideration: None.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Jason D. Cardone.

(3) Joseph Dixon.

(2) Thomas Duong.

(4) _____.

JASON CARDONE
SUPERVISORY PATENT EXAMINER

Electronic Acknowledgement Receipt

EFS ID:	1164722
Application Number:	09882221
Confirmation Number:	9267
Title of Invention:	Net lurkers
First Named Inventor:	Peter Michael Gits
Customer Number:	20575
Filer:	Julie L. Reed/Janet Sullivan
Filer Authorized By:	Julie L. Reed
Attorney Docket Number:	2705-187
Receipt Date:	21-AUG-2006
Filing Date:	15-JUN-2001
Time Stamp:	18:55:30
Application Type:	Utility
International Application Number:	

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 500
RAM confirmation Number	565
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
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1	Appeal Brief Filed	Appeal_Brief_2705-187.pdf	1544641	no	20
Warnings:					
Information:					
2	Miscellaneous Incoming Letter	FeeAddition.pdf	44380	no	1
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	8115	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1597136		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					